

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Page 4 of 8, filed 10/22/2009, with respect to the amount of the metal oxide used in the pigment paste is not equivalent to the amount of the metallic pigment used in the Sapper's composition have been fully considered and are persuasive. The rejection of claims 1-16 based on the combined teaching of Sapper (US 6,284,037) and Bergfried (CA 2,154,818) has been withdrawn.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mary Golota on 11/02/2009.

The application has been amended as follows:

Please replace claim 13 with the following:

Claim 13(amended) A process for preparing an aqueous coating material comprising at least one effect pigment, comprising mixing at least one pigment paste with at least one aqueous mixing varnish comprising at least one water-soluble and/or -dispersible binder and homogenizing the resulting mixture,

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wherein the at least one pigment paste comprises at the least one aqueous pigment paste free from binders and grinding resins, as claimed in claim 1, and is used in an amount such that the resulting mixture from 0.1 to 6% by weight of at least one metal pigment (A), and from 0.02 to 2.4% by weight of at least one nonionic surfactant (D), based on total weight.

Allowable Subject Matter

Claims 1-16 are allowed.

The following is an examiner's statement of reasons for allowance: the instant application discloses a pigment paste without binder and grinding resin. The pigment paste comprises of A) from 15 to 40% by weight of at least one metal pigment, (B) from 0.45 to 0.75% by weight of at least one nonassociative thickener comprising at least one methacrylate copolymer based on C1-C6 alkyl (meth)acrylate and (meth)acrylic acid, (C) from 0.1 to 0.4% by weight of at least one organic amine, (D) from 0.5 to 8% by weight of at least one nonionic surfactant, and (E) at least 50% by weight of water.

The closest art is Sapper (US 6,284,037) or Bergfried (CA 2,154,818).

Sapper discloses an additive for coating formulation with binder used in basecoat materials comprising a nonassociative rheology stabilizer such as exemplified Viscalex HV 30 (like presently used having methacrylic acid content of 40-60 wt %), aluminum pigment, water, polypropylene glycol as nonionic surfactant, mixed with a polyurethane binder (col. 4, lines 25-65). Sapper further teaches the use of tertiary amine compounds such as dimethylethanolamine to

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control pH (col. 4, line 63 to col. 4, line 5). Sapper does not disclose preparing a pigment paste without binder comprising metallic pigment, nonassociative rheology stabilizer, nonionic surfactant, and amine compounds.

Bergfried discloses a pigment concentrate comprising a metal oxide 40-60%, 0-2.0 wt % thickener based on polyacrylate (i.e., Sapper's nonassociative stabilizer), 0.1-0.9 wt % nonionic surfactant, 0.1-4.9 wt % amine, and water (page 3, lines 1-27)—wherein the pigment paste is added to binder resin (page 2, lines 9-12). But Bergfried fail to disclose that the aluminum pigment can be used in their composition with the pigment amount in the range of 40-60% to with the stability as applicant discloses in the instant application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHUANGYI ABU ALI whose telephone number is (571)272-6453. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J.A. LORENZO/
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/Shuangyi Abu-Ali/
Examiner, Art Unit 1793